

Section 101
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PTO/SB/21 (6-98)
Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/881,457	
	Filing Date	June 14, 2001	
	First Named Inventor	Cochran	
	Group Art Unit	1653	
	Examiner Name	To be assigned	
Total Number of Pages in This Submission	58	Attorney Docket Number	SY01105K1QKQK

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Terminal Disclaimer	See Remarks Section for Additional Enclosures
	<input type="checkbox"/> Small Entity Statement	
	<input type="checkbox"/> Request for Refund	
Remarks (1) Copy of notice of missing parts (2 pages); (2) Declarations of (a) Cochran and Cook (4 pages) (b) Wild (4 pages); (3) Sequence listing (12 pages); (4) Sequence statement; (5) Computer diskette; (6) Preliminary amendment (23 pages); (7) IDS PTO 1449 form (2 pages); (8) Copies of 31 references; (9) Certificate of mailing; and (10) Return postcard		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Pamela G. Salkeld, Reg. No. 38,607 SCHERING-PLOUGH CORPORATION PATENT DEPARTMENT, K-6-1-1990
Signature	<i>Pamela G. Salkeld</i>
Date	November 13, 2001

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>			
Typed or printed name		<input type="text"/>	
Signature	<input type="text"/>	Date	<input type="text"/>

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PTO/SB/17 (10-01)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$) 530.00

Complete if Known

Application Number	09/881,457
Filing Date	June 14, 2001
First Named Inventor	Cochran
Examiner Name	To Be Assigned
Group Art Unit	1653
Attorney Docket No.	SY01105K1QKQK

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit
Account
Number

19-0365

Deposit
Account
Name

Schering-Plough Corporation

- ☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Code (\$) Code (\$) Code (\$) Code (\$) Code (\$)

101 740 201 370 Utility filing fee

106 330 206 165 Design filing fee

107 510 207 255 Plant filing fee

108 740 208 370 Reissue filing fee

114 160 214 80 Provisional filing fee

Fee Paid

SUBTOTAL (1) (\$ 0.0

2. EXTRA CLAIM FEES

Extra Claims

Fee from below

Fee Paid

Total Claims

-20** =

X

Independent Claims

-3** =

X

Multiple Dependent

Large Entity Small Entity

Fee Fee Fee Fee Fee Description

Code (\$) Code (\$) Code (\$) Code (\$) Code (\$)

103 18 203 9 Claims in excess of 20

102 84 202 42 Independent claims in excess of 3

104 280 204 140 Multiple dependent claim, if not paid

109 84 209 42 ** Reissue independent claims over original patent

110 18 210 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0.0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	130.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	400.00
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 530.00

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Pamela G. Salkeld

Registration No.
(Attorney/Agent)

38,607

Telephone

(908) 298-2135

Signature

Pamela G. Salkeld

Date

November 13, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PATENT CASE: SY01105K1QKQK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----x
In re Application of: **Cochran et al.**

: Examiner: To Be Assigned

:
For: **NOVEL AVIAN HERPES VIRUS AND
USES THEREOF**

: Group Art Unit: 1653

:
Serial No.: 09/881,457

: Date: November 13, 2001

:
Filing Date: June 14, 2001
-----x

Attention: BOX MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO NOTICE TO FILE MISSING PARTS

This is in response to a Notice to File Missing Parts which included a request to comply with requirements for 37 C.F.R. § 1.822 and/or 1.823 mailed June 27, 2001.

In response to the Notice, Applicants enclose the following herewith:

- 1) a Copy of the Notice;
- 2) a Declaration signed by Cochran and Cook;
- 3) a Declaration signed by Wild;
- 4) a Substitute paper copy of the "Sequence Listing";
- 5) a Substitute computer readable form copy of the "Sequence Listing";
- 6) a Declaration stating that the content of the paper and computer readable
copies are the same and contain no new matter;
- 7) a Petition for a two-month extension of time under 37 C.F.R. § 1.136 (a) and;
- 8) a Fee Transmittal Form for the Surcharge for filing the Declarations and for
the Extension of Time

PLEASE AMEND THE SUBJECT APPLICATION AS FOLLOWS:

IN THE SPECIFICATION

Please delete pages 1-12 of the "Sequence Listing" and insert the enclosed substitute "Sequence Listing" pages 1-12.

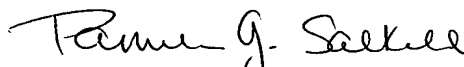
REMARKS

The specification has been amended to comply with 37 C.F.R. § 1.821-1.825. A substitute paper copy of the "Sequence Listing" which is believed to comply with 37 C.F.R. § 1.821-1.825 is submitted to replace the current "Sequence Listing". In addition, a computer readable form of the substitute "Sequence Listing" is submitted along with a Statement declaring that the information recorded on the diskette is identical to the paper copy. No new matter has been added by this amendment. It is believed that the above amendment and submissions fulfill all requirements by the Initial Patent Examination Division.

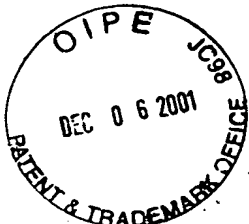
Please charge any additional fees or credit overpayment to Deposit Account No. 19-0365.

Respectfully submitted,

SCHERING-PLOUGH CORPORATION
Patent Department, K-6-1, 1990
2000 Galloping Hill Road
Kenilworth, New Jersey 07033-0530
Date: November 13, 2001



Pamela G. Salkeld
Reg. No. 38,607
Sr. Patent Counsel
(908) 298-2135



PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Certificate of Mailing under 37 CFR 1.8

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Assistant Commissioner for Patents
Washington, D.C. 20231

on November 13, 2001

Date

Pamela G. Salkeld
Signature

Pamela G. Salkeld

Typed or printed name of person of signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Documents enclosed:

Transmittal form(PTO/SB/21); Fee transmittal form (PTO/SB/17); Petition for an extension of time (PTO/SB/22); Copy of notice of missing parts (2 pages); Response to missing parts cover letter (2 pages); Declarations of (a) Cochran and Cook (4 pages) (b) Wild (4 pages); Sequence listing (12 pages); Sequence statement; Computer diskette; Preliminary amendment (23 pages) IDS cover letter; IDS PTO 1449 form (2 pages); Copies of 31 references; and Return postcard

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UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/881,457	06/14/2001	Mark D. Cochran	SY01105K1QKQK

CONFIRMATION NO. 7533

24265
SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH, NJ 07033-0530

FORMALITIES LETTER



OC000000006352769

Date Mailed: 07/27/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/07/2001 TBESHAH1 00000107 190365 09881457 FILED UNDER 37 CFR 1.53(b)

01 FC:105 130.00 CH

Filing Date Granted

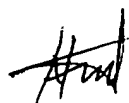
An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE